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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

FILED

AUG -8 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

EDL

3 19 71224

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 NAI CHUN VINCENT CHEUNG,

17 Defendant.

) CASE NO.

) NOTICE OF PROCEEDINGS ON OUT-OF-
) DISTRICT CRIMINAL CHARGES PURSUANT TO
) RULES 5(c)(2) AND (3) OF THE FEDERAL
) RULES OF CRIMINAL PROCEDURE

18
19 Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal Procedure
20 that on August 8, 2019, the above-named defendant was arrested pursuant to an arrest warrant (copy
21 attached) issued upon a

22 ☐ Indictment

23 ☐ Information

24 ☒ Criminal Complaint

25 ☐ Other (describe) _____

26 pending in the Southern District of Florida, Case Number 1:19-MJ-03248 ADR.

27 In that case (copy of complaint attached), the defendant is charged with a violation(s) of Title 18,
28 United States Code, Section(s) 554(a) and 371, and Title 16, United States Code, Sections

1 3372(d)(1)/3373(d)(3)(A)(i) .

2 Description of Charges: Fraudulent or Knowing Exportation of Merchandise from the United
3 States Contrary to Law or Regulation, in violation of 18 U.S.C. § 554(a); Making or Submitting a False
4 Record, Account or Label for, or False Identification of, Wildlife Intended to Be Exported, in violation
5 of 16 U.S.C. §§ 3372(d)(1)/3373(d)(3)(A)(i); and Conspiracy to violate 18 U.S.C. § 554(a) and 16
6 U.S.C. §§ 3372(d)(1)/3373(d)(3)(A)(i) or to Defraud the United States, in violation of 18 U.S.C. § 371.

7 The maximum penalties are as follows:

8 18 U.S.C. § 554 (Smuggling Goods from the United States):

9 ten years imprisonment and/or \$250,000 fine
10 3 years supervised release
11 \$100 special assessment
12 Forfeiture

13 16 U.S.C. § 3372(d)(1)/3373(d)(3)(A) (Lacey Act - False Records)

14 five years imprisonment and/or \$250,000 fine
15 3 years supervised release
16 \$100 special assessment
17 Forfeiture

18 18 U.S.C. § 371 (Conspiracy)

19 five years imprisonment and/or \$250,000 fine
20 3 years supervised release
21 \$100 special assessment
22 Forfeiture

23 Respectfully Submitted,

24 DAVID L. ANDERSON
25 UNITED STATES ATTORNEY

26 Date:

27 Aug 8, 2019

28 
KAREN BEAUSEY

Assistant United States Attorney

AO91 (Rev. 12/03) Criminal Complaint

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

FLORIDA

UNITED STATES OF AMERICA

V.

NAI CHUN VINCENT CHEUNG

CRIMINAL COMPLAINT

Case Number: 1:19-mj-03248 AOR

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 10/17 - 6/19 in Miami-Dade County, in the Southern District of Florida defendant(s) did,

(Track Statutory Language of Offense)

(1) fraudulently or knowingly export or attempt to export from the United States, any merchandise, article or object contrary to any law or regulation of the United States, in violation of 18 U.S.C. § 554(a); (2) make or submit any false record, account, or label for, or any false identification of, any . . . wildlife . . . which has been, or is intended to be . . . exported, transported, sold, or purchased . . . , in violation of 16 U.S.C. §§ 3372(d)(1)/16 U.S.C. § 3373(d)(3) (A)(i); and (3) conspire to commit an offense against the United States, in violation of 18 U.S.C. § 371

in violation of Title _____ United States Code, Section(s) _____ .

I further state that I am a(n) Special Agent, U.S. Fish & Wildlife Svc. and that this complaint is based on the following facts:

Official Title

See Attached Affidavit

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No

Signature of Complainant

John Skidmore

Printed Name of Complainant

Sworn to before me and signed in my presence,

8/5/2019

Date

at

Miami

Florida

City

State

Alicia Otazo-Reyes

Name of Judge

Title of Judge

Signature of Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:19-MJ-03248-AOR

IN RE SEALED COMPLAINT
AND ARREST WARRANT
/

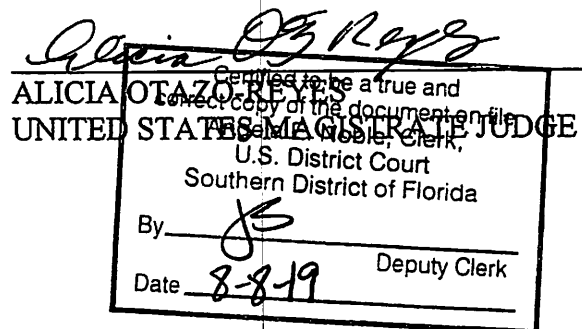
UNSEALING ORDER

The United States of America, having applied to this Court for an Order UNSEALING the Application For an Arrest Warrant, Arrest Warrant, and any associated documents filed with the Clerk of the Court, as well as the attendant Motion to Seal and Sealed Order, all of which were previously sealed by Order of this Honorable Court on August 5, 2019, and the Court finding good cause:

IT IS HEREBY ORDERED that the Application For an Arrest Warrant, Arrest Warrant, and any associated documents filed with the Clerk of the Court, as well as the attendant Motion to Seal and Sealed Order shall be UNSEALED and placed in the open record of the Court.

DONE AND ORDERED in chambers at Miami, Florida, this 8th day of August, 2019.

cc: Clerk of Court
AUSA P. Outerbridge



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:19-mj-03248 AdR

IN RE SEALED COMPLAINT
_____ /

SEALED ORDER

The United States of America, having applied to this Court for an Order sealing the complaint, arrest warrant, and this Order and the Court finding good cause:

IT IS HEREBY ORDERED that the complaint, arrest warrant, and this Order shall be filed under seal until the arrest of the defendant in this matter or until further order of this Court, however, the United States Attorney's Office and any other relevant law enforcement agency may obtain copies of any complaint, arrest warrant, or other sealed document for purposes of arrest, extradition, or any other necessary cause.

DONE AND ORDERED in chambers at Miami, Florida, this 5th day of August 2019.



ALICIA M. OTAZO-REYES
UNITED STATES MAGISTRATE JUDGE

cc: P. Outerbridge, AUSA

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
[UNDER SEAL]

I, John Skidmore, being first duly sworn, depose and state as follows:

1. I am a Special Agent with the United States Fish and Wildlife Service - Office of Law Enforcement ("USFWS"), and am therefore an "investigative or law enforcement officer" of the United States within the meaning of Title 16, United States Code, Section 3375. Additionally, I am a Federal Law Enforcement Officer within the meaning of Rule 41(a) of Federal Rules of Criminal Procedure and have held such designation since May 2016. Since that time, I have worked for the USFWS as a Special Agent in the Miami, Florida Office of Law Enforcement and have conducted investigations into the trafficking and smuggling of endangered and protected wildlife. Prior to my employment as a USFWS Special Agent, I was employed by the U.S. Department of Homeland Security ("DHS"), Homeland Security Investigations ("HSI"), as a Special Agent for five years. Prior to my time as an HSI Special Agent, I was employed as a Special Agent with the USFWS for approximately three years. During my overall career as a Special Agent, I have conducted multiple investigations involving the smuggling of contraband, including endangered and protected wildlife, both into and out of the United States.

2. Based upon my training and experience, I am familiar with the laws and regulations primarily enforced by the USFWS, such as the Lacey Act, Title 16, United States Code, Sections 3371, *et seq.*, and the Endangered Species Act (ESA), Title 16, United States Code, Sections 1531, *et seq.* I am also familiar with certain laws and regulations primarily enforced by HSI, including Title 18, United States Code, Section 554 (Smuggling Goods from the United States Contrary to Law) wherein underlying violations of the Lacey Act and/or Endangered Species Act (or related regulations) are concurrently violated.

3. During my employment with USFWS, I have had extensive training concerning

violations of federal wildlife-related criminal laws on the part of persons suspected of illegally importing, exporting, taking, possessing, and trafficking in various protected species of fish and wildlife. As a result of my training and experience, as well as the institutional knowledge and experience of other USFWS Special agents and inspectors across the United States with whom I often rely, I am familiar with the particular methods commonly used by fish and wildlife dealers and traders to illegally avoid the various statutory and regulatory requirements attendant to the importation and exportation of protected wildlife species.

4. As I have learned from my training and experience, illegal activities on the part of those engaged in the illicit wildlife trade include the following types of criminal conduct, among others: (a) concealing all or portions of a wildlife shipment from detection by federal law enforcement officers and inspectors by means of various deceptive methods including the mixing of hidden protective wildlife species with other declared species within the same shipping container; (b) falsifying material information set forth upon required federal wildlife declaration forms; (c) creating parallel sets of invoices wherein one disclosed set is submitted which fraudulently understates or fails to declare the actual number of shipped wildlife specimens and the prices paid, while an accurate parallel invoice is used internally by the perpetrators; and (d) communications conducted by email, text and voice in coded language amongst the participants in illegal smuggling operations.

5. I am making this Affidavit in support of an application for an arrest warrant authorizing USFWS Special Agents, or other duly authorized law enforcement officers, to arrest **Nai Chun Vincent CHEUNG** (hereinafter "**CHEUNG**") for violating the following laws:

- a) 16 U.S.C. §§ 3372(d)(1) and 3373(d)(3)(A)(i) - - Lacey Act;
- b) 18 U.S.C. § 554 - - Smuggling Goods from the United States; and

c) 18 U.S.C. § 371 - - Conspiracy to Violate the Above Substantive Offenses

In addition, as set forth below, it has been demonstrated that **CHEUNG** has committed the aforementioned substantive crimes both as a principal within the meaning of 18 U.S.C. § 2, as well as a co-conspirator in connection with said crimes within the meaning of 18 U.S.C. § 371.

6. The information in this Affidavit is based upon: (1) my personal observations while conducting the subject investigation; (2) inspections conducted in connection with the subject investigation which were performed by USFWS Special Agents or Inspectors upon certain illegally exported wildlife shipments; (3) information provided to me by other investigating law enforcement officers and a non-law enforcement civilian who was a former accomplice of **CHEUNG**; and (4) information obtained from electronic voice and text communications.

7. In this Affidavit, I have not set forth all information of which I am aware, but only such information as I believe necessary to establish probable cause that **CHEUNG**, has committed violations of the above-referenced federal criminal laws.

LEGAL BACKGROUND

8. The United States is a signatory to an international treaty known as the "Convention on International Trade in Endangered Species of Wild Fauna and Flora" (hereinafter "CITES"). Appendix I of CITES identifies wildlife species which are actually threatened with extinction and for which trade in such species is subjected to particularly strict regulation and only authorized in exceptional circumstances. Appendix II of CITES lists certain wildlife species which, although not necessarily threatened with extinction, may become so without strict regulations and limitations placed on trading in specimens of such species. CITES, Art. II, § 2(a).

9. The United States Fish and Wildlife Service ("USFWS") within the Department of the Interior ("DOI") was designated by Congress pursuant to the Endangered Species Act (16

U.S.C. §§ 1531-1544) (hereinafter “ESA”) as the CITES enforcement authority within the United States. *See* 16 U.S.C. § 1537(a).

10. In accordance with DOI regulations promulgated under the ESA, all species of wildlife destined for export from the United States are required to be cleared by a USFWS officer prior to their physical loading upon a vehicle or aircraft, or prior to containerization or palletizing of the wildlife in preparation for loading. *See* 50 C.F.R. § 14.52(a). Moreover, in order to obtain clearance for such wildlife exports, regulations further require that the exporter or the exporter’s agent must make available to the USFWS or, as the case may be, Customs and Border Protection, the following items and documents, among others, prior to obtaining export clearance:

- a. Shipping documents, including bills of lading, waybills, packing lists, and invoices;
- b. All permits, licenses or other documents required by the laws or regulations of the United States or any foreign country with respect to each exported species which, due to its protected status, is required to be the subject of a CITES or other permit;
- c. Each of the wildlife specimens intended for exportation.

See 50 C.F.R. § 14.52(c)

11. DOI regulations under the ESA also require that an exporter of wildlife complete a “Declaration for Importation or Exportation of Fish or Wildlife” (USFWS Form 3-177) prior to the exportation of wildlife at the port of exportation, including a certification by the exporter or the exporter’s agent attesting to the truth and completeness of the form to the best of his/her knowledge and belief. *See* 50 C.F.R. § 14.63. These official forms require that each item of wildlife be listed along with their respective species names, CITES permit numbers (for CITES-protected species), the quantity of each species, and the monetary values of each species.

12. In the case of CITES Appendix I wildlife, no commercial exportation is allowable through the permitting process. Before exporting Appendix II wildlife, production of a valid

United States CITES export permit (in addition to the recording of the permit number upon USFWS Form 3-177) is also required. *See* CITES, Art. IV §§ 1, 2 & 4 and 50 C.F.R. §§ 23.20(e) & 23.92(a). Pursuant to 50 C.F.R. § 23.13(a), exporting or engaging in international trade of any species listed in Appendix I or II of CITES, without adherence to CITES permitting requirements or otherwise in contravention of CITES provisions is unlawful. Additionally, any attempt to commit, solicit another to commit, or cause to be committed such activity is likewise unlawful. *See* 50 C.F.R. § 23.13(f).

13. Section 1538(c)(1) of the ESA further states, in relevant part, that it is “unlawful for any person . . . to engage in any trade in any specimens [of wildlife] contrary to the provisions of the Convention [referring to CITES] or to possess any specimens traded contrary to the provisions of the Convention, including the definitions of terms in article 1 thereof.” *See* 16 U.S.C. § 1538(c)(1). The term “trade” is further defined in Article 1(b) of CITES to include, among other activities, “to export.” Accordingly, any exportation of CITES-protected wildlife that does not comply with the CITES Convention permitting and other requirements amounts to trading in species contrary to the provisions of CITES in violation of both 16 U.S.C. § 1538(c)(1), as well as 50 C.F.R. § 23.13(a) & (f).

14. Section 3372(d) of the Lacey Act makes it unlawful for “any person to make or submit any false record, account, or label for, or any false identification of, any fish, wildlife, or plant which has been, or is intended to be – (1) imported, exported, transported, sold, purchased, or received from any foreign country; or (2) transported in interstate or foreign commerce.” *See* 16 U.S.C. §§ 3372(d)(1)&(2). As set forth in Section 3373(d)(3)(A)(i) of the Lacey Act, “any person who knowingly violates subsection (d) . . . of section 3372” has committed a felony offense if the offense “involves (i) the importation or exportation . . . of wildlife.”

15. 18 U.S.C. § 554 makes it a felony offense for anyone to fraudulently or knowingly export or send from the United States, or attempt to export or send from the United States, any merchandise, article or object contrary to any law or regulation of the United States, or to receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such merchandise prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States.

Investigation of Vincent CHEUNG and Co-Conspirator A

16. On March 19, 2019, a Florida business identified as “Reptile Paradise” electronically filed a USFWS Form 3-177 with the USFWS declaring an outbound shipment of “live reptiles” destined for export on March 21, 2019 from Miami International Airport (MIA) to Hong Kong via Cathay Pacific Airlines. The U.S. exporter was identified upon the shipping paperwork as “Reptile Paradise,” with a listed address in Eustis, Florida, while the foreign importer was identified as “Reptiles Paradise” - - “VINCENT CHEUNG” with an address in Hong Kong.

17. An inspection of the shipping containers constituting the March 21, 2019 shipment, which was conducted by USFWS inspectors and Special Agents at MIA, revealed numerous undeclared Florida Box Turtles (*Terrapene Bauri*) (“Box Turtles”), a CITES II-protected species, concealed underneath one or more layers of numerous Three Striped Mud Turtles (*Kinosternon Baurii*) (“Mud Turtles”), a non-protected wildlife species which had been appropriately declared. An inspection of the exterior of the cartons and the applicable export paperwork, including the USFWS Form 3-177 and an accompanying invoice, revealed that the CITES-protected Box Turtles had not been listed on the exterior markings of the cartons, nor had these protected wildlife specimens been listed upon any export shipping documents presented to the USFWS. In addition, no CITES permits for the Box Turtles were presented to the USFWS and none were located within

the shipping cartons. In order to fulfill investigative objectives, this shipment was cleared and allowed to depart to Hong Kong.

18. On April 16, 2019, "Reptile Paradise" electronically filed a USFWS Form 3-177 reflecting a shipment of "live reptiles" declared for export on April 18, 2019 from MIA to Hong Kong via Cathay Pacific Airlines. In a fashion similar to the March 21, 2019 export, the U.S. exporter for this shipment was again listed as "Reptiles Paradise," with the same Eustis, Florida address. The foreign importer was listed as "Reptiles Paradise" - - "VINCENT CHEUNG" with the same Hong Kong address that had been listed in connection with the March 21, 2019 export.

19. An inspection by USFWS inspectors and Special Agents of the shipping containers constituting the April 18, 2019 shipment revealed sixty-one (61) undeclared animals. Specifically, forty-nine (49) CITES-protected Box Turtles and twelve (12) Spotted Turtles (*Clemmys Guttata*) ("Spotted Turtles"), which are also Appendix II protected species, were found concealed within layers of declared Mud Turtles. In addition, an inspection of the exterior of the cartons and the applicable export paperwork filed in connection with this shipment, including the USFWS Form 3-177 and accompanying invoice, revealed that the Box Turtles and Spotted Turtles were not listed upon any export documents presented to the USFWS. Moreover, no CITES permits for Box Turtles or Spotted Turtles were presented to the USFWS and none were located within the shipping cartons. Again, in order to fulfill investigative objectives, this shipment was also cleared and allowed to depart to Hong Kong.

20. On June 6, 2019, in Eustis, Florida, USFWS Special Agent Scotty Boudreaux and your affiant met with the owner/manager of Reptile Paradise, the business which had been listed as the exporter with regard to the March 21, 2019 and April 18, 2019 shipments, and the individual suspected as being responsible for the preparation and submission of the false USFWS Forms 3-

177 and invoices regarding these two shipments. This individual will hereinafter be referred to as “co-conspirator A.”

21. Co-conspirator A was known to Special Agents of the USFWS at the time of the above encounter, since co-conspirator A was a documented source of information for the USFWS. In this capacity, for approximately six years, co-conspirator A had provided information concerning illicit wildlife trafficking on various occasions. This information was documented, corroborated on various occasions, and deemed reliable on such occasions. Your affiant is also presently aware of communications which had taken place between co-conspirator A and **CHEUNG** during this time period which establish that **CHEUNG** was aware of co-conspirator A’s cooperative status with law enforcement and that co-conspirator A had been supplying information to USFWS regarding the alleged illegal activities of other wildlife traders.

22. When confronted on June 6, 2019 concerning the USFWS’ discoveries of the undeclared wildlife in co-conspirator A’s export cargo, which was inconsistent with the terms of his cooperative relationship with law enforcement, co-conspirator A denied wrongdoing. However, shortly thereafter, co-conspirator A confessed that he and **CHEUNG** had, indeed, been engaging in a scheme to smuggle CITES-protected wildlife by purposely concealing and failing to declare quantities of protected wildlife shipped to **CHEUNG** in Hong Kong.

23. During this same interview, co-conspirator A further admitted that he and **CHEUNG** had engaged in this illicit behavior, with respect to the two shipments discovered by USFWS, as well as numerous earlier exportations, and did so during the previous period of approximately eighteen months. According to co-conspirator A, certain other shipments to **CHEUNG** during this same period were legitimate exportations as well. Thereafter, your affiant

determined that **CHEUNG** was Nai Chun Vincent **CHEUNG**, a resident of Hong Kong, with a date of birth of March 29, 1965.

24. Further during the June 6, 2019 encounter with your affiant, co-conspirator A advised that each unlawful exportation of protected wildlife routinely commenced with **CHEUNG** providing co-conspirator A with the particular species of wildlife and estimated quantity which **CHEUNG** sought to obtain in connection with each planned shipment. Co-conspirator A would thereafter obtain the wildlife, pack the live specimens in boxes or cartons interspersed with declared non-protected species, and retain the services of a customs broker. Co-conspirator A then provided the false information for the preparation and electronic submission of the USFWS Forms 3-177 and shipping papers. Co-conspirator A would also deliver, or make arrangements for the delivery of, the shipment of wildlife to Miami International Airport for export to **CHEUNG** in Hong Kong.

25. Co-conspirator A further advised that, after the shipping process was complete, co-conspirator A would send **CHEUNG** emails containing the true invoices. These true invoices displayed the same invoice numbers that had been displayed on the bogus invoices that had earlier been filed with the USFWS at the time of export and which had accompanied the respective shipments to **CHEUNG** in Hong Kong as part of the package of shipping papers.

26. According to co-conspirator A, each of the emailed invoices would accurately identify the quantities and applicable prices for the various reptiles that had been exported and shipped to **CHEUNG**, inclusive of the protected species which had been secreted within the shipment and intentionally omitted in the USFWS 3-177, invoice, and other documents supplied to the USFWS. Finally, upon arrival in Hong Kong, **CHEUNG** made it a practice to inspect each shipment and, according to co-conspirator A, would thereafter wire transfer the true amount due

and owing as reflected upon the revised emailed invoice plus a flat commission payable to co-conspirator A (usually in the amount of \$4,000).

27. Co-conspirator A also informed your affiant on June 6, 2019 that CHEUNG communicates via email using reptiles@netvigator.com, WeChat voice call, and WeChat text message using Chinese telephone number 852-9152-4378. WeChat is a mobile text and voice messaging communications service app that is available for use on Android, iPhone, Blackberry, and Windows phone platforms

28. Co-conspirator A further informed your affiant and Special Agent Boudreaux that co-conspirator A and CHEUNG made use of coded language in place of common names in their communications when referring to certain species of wildlife in pursuit of their joint smuggling scheme. These code names included the terms "Purple Color" in place of a Diamond Back Terrapin (*Malaclemys terrapin*), "Ear Infection" in place of a Box Turtle (*Terrapene carolina bauri*), and "Small High Color Cooter" in place of a Spotted Turtle (*Clemmys guttata*), all of which are CITES II protected-species. Co-conspirator A further advised that, in order to assist in the concealment of these same wildlife species within their various shipments to Hong Kong, CHEUNG instructed co-conspirator A to purchase, pack, declare, and package comparatively large quantities of non-protected Mud Turtles to use as cover in the shipments that contained undeclared CITES-protected species. This admission by co-conspirator A is consistent with the concealment method that was apparent within the March 21, 2019 and April, 18, 2019 shipments discussed earlier herein.

29. During the June 6, 2019 encounter with your affiant and Special Agent Boudreaux, co-conspirator A agreed to continue to provide information by notifying USFWS Special Agents about CHEUNG's future shipments of wildlife and agreed to assist by continuing the procuring, packing, and subsequent shipping activity for future exports to CHEUNG under the supervision of and cooperation with law enforcement.

Covert Investigation of Vincent CHEUNG

30. Co-conspirator A and CHEUNG exchanged WeChat text messages between June 13, 2019 and June 19, 2019 and discussed the species of wildlife to be included in a June 20, 2019 export to CHEUNG. During this WeChat conversation, CHEUNG used the code words “ear infection” and “purple color” when discussing the types of turtles and terrapins to be included in the shipment. CHEUNG further stated to co-conspirator A, “...do not let the boxes sitting at Omega office. U personal drop at Cathay....”

31. On June 18, 2019, with the knowledge of USFWS investigators, co-conspirator A filed a USFWS Form 3-177 identifying a shipment of live reptiles destined for export on June 20, 2019 from MIA to “Reptiles Paradise” - - “VINCENT CHEUNG” with the same Hong Kong address that had been listed in connection with the previous shipments that contained undeclared wildlife. No Box Turtles or Diamond Back Terrapins were listed on this declaration or on accompanying invoice numbered 138 and no CITES permits were submitted with the declaration. The failure to properly declare the contents of the shipment on both the USFWS 3-177 and the accompanying invoice, along with the failure to submit CITES permits for undeclared species, was consistent with the previous smuggling practices of CHEUNG and co-conspirator A. A Cathay Pacific Air Waybill, number 160-09308025, was submitted along with the USFWS 3-177 and showed “Reptiles Paradise” in Hong Kong as the consignee and “Live Reptiles” as the nature of goods. The shipper certification shows, “Omega Customs Brokers Inc as Agents.”

32. On June 18, 2019, with the knowledge of USFWS investigators, co-conspirator A packed the shipping cartons with the species and quantities of reptiles that CHEUNG ordered including twenty (20) Box Turtles and (9) Diamond Back Terrapins. Co-Conspirator A listed to USFWS Special Agents the number of shipping cartons, the exact number and species of reptiles

in the cartons, and that twenty (20) Box Turtles and (9) Diamond Back Terrapins were concealed inside the shipping cartons. This concealment of undeclared wildlife inside the shipping cartons was consistent with **CHUENG** and co-conspirator A's previous smuggling practices. On June 19, 2019, co-conspirator A completed the shipping process to **CHEUNG** and notified USFWS Special Agents.

33. Later on June 19, USFWS Wildlife Inspectors and other law enforcement personnel traveled to the Cathay Pacific Cargo Area at MIA to inventory the contents of the shipping cartons associated with air waybill number 160-09308025. The contents of the shipping cartons were consistent with what co-conspirator A stated to USFWS investigators including the twenty (20) undeclared Box turtles and (9) Diamond Back Terrapins. The contents of the shipping carton were viewed, documented, and repacked in the exact manner in which co-conspirator A originally packaged them. In order to fulfill investigative objectives, this shipment was cleared, and allowed to depart to Hong Kong.

34. Co-Conspirator A provided your affiant with an email dated June 20, 2019 and addressed to reptiles@netvigator.com. This email contained an attachment titled "Vincent 06-19-2019 Updated.xls" The attachment was a duplicate Invoice numbered 138, dated June 19, 2019, that listed an additional \$5,100 in line item charges for "16 Ear infection," "4 Ear infection Extra Scutes," and "9 Purple color." This duplicate invoice reflected a true balance owed of \$35,250.16 for the June 20 shipment. On June 23, **CHEUNG** sent a series of WeChat messages and stated, "\$39,250 send...no deduct on invoice...add \$4000 for u...."

35. During a WeChat text exchange between June 13, 2019 and July 2, 2019, co-conspirator A and **CHEUNG** discussed the species of wildlife to be included in a July 4, 2019 export to **CHEUNG**. During these exchanges, **CHEUNG** stated, "ok...need Rhino 300 ea...."

CHEUNG was referring to the Rhinoceros iguana (*Cyclura cornuta*) (hereinafter referred to as “Rhinoceros iguana”) which is listed in Appendix I of CITES. In another WeChat message, **CHEUNG** stated about the packing, “rhino in bags located at bottom deck...put the x mark besides my address on that box... .” Also during this exchange, **CHEUNG** asked, “How many boxes...so 5 jumbo holding 3 striped, FL mud and sm cooters...All sm cooters on the bottom deck on each jumbo box....”

36. On July 2, 2019, with the knowledge of USFWS investigators, co-conspirator A filed a USFWS Form 3-177 identifying a shipment of live reptiles destined for export on July 4, 2019 from MIA to “Reptiles Paradise” - - “VINCENT CHEUNG” with the same Hong Kong address that had been listed in connection with the previous shipments that contained undeclared wildlife. No Rhinoceros iguanas or Spotted Turtles were listed on this declaration or on accompanying invoice numbered 139 and no CITES permits for these species were submitted with the declaration. The failure to properly declare the contents of the shipment on both the USFWS 3-177 and the accompanying invoice along with the failure to submit CITES permits for certain species was consistent with the previous smuggling practices of **CHEUNG** and co-conspirator A. A Cathay Pacific Air Waybill, number 160-04814574, was submitted along with the USFWS 3-177 and showed “Reptiles Paradise” in Hong Kong as the consignee.

37. On July 2, 2019, again with the knowledge of USFWS investigators, co-conspirator A packed the shipping cartons with the species and quantities of reptiles that **CHEUNG** ordered including two (2) Rhinoceros iguanas and eighty six (86) Spotted Turtles. Co-Conspirator A listed to USFWS Special Agents the number of shipping cartons, the exact number and species of reptiles in the cartons, and that two (2) Rhinoceros iguanas and eighty six (86) Spotted Turtles were concealed inside the shipping cartons. This concealment of undeclared wildlife inside the shipping

cartons was consistent with **CHUENG** and co-conspirator A's previous smuggling practices. On July 3, 2019, co-conspirator A completed the shipping process to **CHEUNG** and notified USFWS Special Agents.

38. Later on July 3, USFWS Wildlife Inspectors and other law enforcement personnel traveled to the Cathay Pacific Cargo Area at MIA to inventory the contents of the shipping cartons associated with air waybill number 160-04814574. The contents of the shipping cartons were consistent with what co-conspirator A stated to USFWS investigators including the two (2) rhinoceros iguanas and eighty six (86) Spotted Turtles. The contents of the shipping cartons were inventoried, documented, and repacked in the exact manner in which co-conspirator A originally packaged them. In order to fulfill investigative objectives, this shipment was cleared and allowed to depart to Hong Kong.

39. Co-Conspirator A provided your affiant with an email dated July 4, 2019 and addressed to reptiles@netvigator.com. One of the email attachments was a document titled "Vincent 07-03-2019 updated.xls" The attachment was a parallel Invoice numbered 139, dated July 3, 2019 that listed line items for "2 Ty Lizards, 18 Sm High Color Cooters, and 68 Sm High Color cooters" and a revised total of \$35,565.26. On July 8, 2019, **CHEUNG** replied via email from reptiles@netvigator.com and stated, "I did not deduct any from your total invoice and I add in \$4,000 for you.... The shipment invoice total \$35,565 and I just TT you \$39,565. Regards, Vincent Cheung."

40. Between July 5, 2019 and July 18, CPI-335 exchanged WeChat messages about an upcoming shipment scheduled for July 25. During this exchange, **CHEUNG** said, "...U Have 2 more weeks so try get more healthy ear infections otherwise make no profit...U know what is contents if this shipment and the past...be smart...Ear infections no need sm sizes."

41. On July 23, 2019, with the knowledge of USFWS investigators, co-conspirator A filed a USFWS Form 3-177 identifying a shipment of live reptiles destined for export on July 25, 2019 from MIA to "Reptiles Paradise" - - "VINCENT CHEUNG" with the same Hong Kong address that had been listed in connection with the previous shipments that contained undeclared wildlife. No Box turtles were listed on this declaration or on the accompanying invoice numbered 140 and no CITES permits for the Box Turtles were submitted with the declaration. The failure to properly declare the contents of the shipment on both the USFWS 3-177 and the accompanying invoice along with the failure to submit CITES permits for Box Turtles was consistent with the previous smuggling practices of **CHEUNG** and co-conspirator A. A Cathay Pacific Air Waybill, number 160-09847725, was submitted along with the USFWS 3-177 and showed "Reptiles Paradise" in Hong Kong as the consignee.

42. On July 23, 2019, again with the knowledge of USFWS investigators, co-conspirator A packed the shipping cartons with the species and quantities of reptiles that **CHEUNG** ordered including ten (10) Box Turtles. Co-Conspirator A listed to USFWS Special Agents the number of shipping cartons, the exact number and species of reptiles in the cartons, and that ten (10) Box Turtles were concealed inside the shipping cartons. This concealment of undeclared wildlife inside the shipping cartons was consistent with **CHUENG** and co-conspirator A's previous smuggling practices. On July 24, 2019, co-conspirator A completed the shipping process to **CHEUNG** and notified USFWS Special Agents.

43. Later on July 24, USFWS Wildlife Inspectors and other law enforcement personnel traveled to the Cathay Pacific Cargo Area at MIA to inventory the contents of the shipping cartons associated with air waybill number 160-09847725. The contents of the shipping cartons were consistent with what co-conspirator A stated to USFWS investigators including the ten (10) Box

Turtles. The contents of the shipping carton were inventoried, viewed, documented, and repacked in the exact manner in which co-conspirator A originally packaged them. In order to fulfill investigative objectives, this shipment was cleared and allowed to depart to Hong Kong.

44. Co-Conspirator A provided your affiant with an email dated July 25, 2019 addressed to reptiles@netvigator.com. The body of the email contained the following, "Hello Vincent...Here is the updated invoice. Hope all arrives in good condition...." Co-Conspirator A also provided a copy of the email attachment titled "Vincent 07-24-2019 updated.xls" The attachment was a parallel Invoice numbered 140, dated July 24, 2019 that included a line item for "10 ear infection" and a revised total of \$43,786.85. On July 28, 2019, **CHEUNG** replied to this email using WeChat messenger and stated, "payment just TT. No deduct from your invoice and add 4,000 on top."

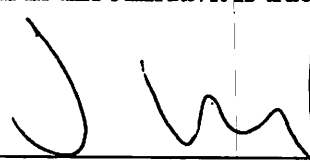
45. Based upon my training an experience, and as further supported by the facts in this affidavit, I respectfully submit that there is probable cause to believe that Nai Chun Vincent **CHEUNG**, did:

(1) "fraudulently or knowingly export, or attempt to export, from the United States, any merchandise, article or object contrary to any law or regulation of the United States," specifically, 50 C.F.R. § 23.13(a), 50 C.F.R. § 23.13(f), 16 U.S.C. § 1538(c)(1), and 16 U.S.C. §§ 3372(d)(1), in violation of 18 U.S.C. § 554(a); and

(2) "make or submit any false record, account, or label for, or any false identification of, any fish, wildlife, or plant which has been, or is intended to be . . . imported, exported, transported, sold, purchased, or received from any foreign country, in violation of 16 U.S.C. §§ 3372(d)(1), in violation of 16 U.S.C. § 3373(d)(3)(A)(i); and

(3) conspiracy to violate the aforementioned statutes, in violation of 18 U.S.C. § 371.

I declare under penalty of perjury that the information in this Affidavit is true and correct.



JOHN SKIDMORE, SPECIAL AGENT
U.S. FISH AND WILDLIFE SERVICE

SUBSCRIBED and SWORN to
before me this 5th day of August, 2010
in Miami, Florida.



ALICIA OTAZO-REYES
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF FLORIDA